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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 20 2008

In re application of)	Examiner: D. BERNS
I. McVEY, et al.)	
)	Art Unit: 4162
Serial No.: 10/554,223)	
)	Confirmation: 9349
Filed: October 20, 2005)	
)	
For: ACTIVATED VAPOR)	Customer No. 27885
TREATMENT FOR)	
NEUTRALIZING)	
WARFARE AGENTS)	
)	
Date of Last Office Action:)	
August 21, 2008)	
)	
Attorney Docket No.:)	Cleveland, OH 44114
MEDZ 2 01324 US)	October 20, 2008

ELECTION AND INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Restriction Requirement of August 21, 2008, and the Interview Summary of September 15, 2008.

Responsive to the Restrictive Requirement, the Applicants elect Group 1, claims 54-80, *with traverse*.

Certificate of Faxing

I certify that **ELECTION & INTERVIEW SUMMARY** in connection with Ser. No. 10/554,223 is being
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Date
October 20, 2008

Signature <i>Hilary McNulty</i>
Printed Name Hilary M. McNULTY

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First, it is submitted that the claims of Group 4 should be examined with Group 1. Claim 92 is generic to claim 54. Both call for a peroxide vapor. Claim 92 calls for a pH increasing compound and claim 54 specifies that the compound is nitrogen. Both call for subjecting the pathogenic chemical agent to the vapor.

Second, it is submitted that Group 2, apparatus claims 81-90 should be considered with Group 1. Claim 81 can be viewed as means for performing the method of claim 54. Because claim 81 calls for means for performing the method of claim 54, it is submitted that the method of claim 54 cannot be performed by a different means than the means of claim 81 and conversely, the means of claim 81 can only be used to perform the method of claim 54.

The Interview Summary of September 15, 2008 is correct. The undersigned and the Examiner did discuss entry of the Preliminary Amendment on September 10, 2008. As reflected by the Interview Summary, the Examiner agreed to enter the amendment.

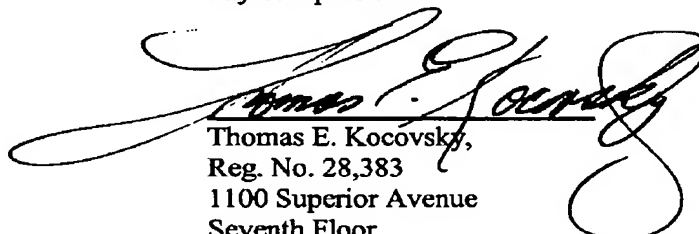
Further, as accurately reflected in the Interview Summary, the Examiner did map over the Restriction Requirement from the original claims to the claims of the now-entered amendment, which mapping is accurately reflected in the Interview Summary.

An early allowance of all claims is requested.

Respectfully submitted,

Fay Sharpe LLP


Date


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